

REMARKS

Claims 1-20 were pending in this application. Of the pending claims, claims 1, 11, and 16 are independent. Claims 16-20 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1-5 and 7-20 are rejected under 35 U.S.C. §102 as being anticipated by Howe (USP 6,876,855) (hereinafter “Howe”). (Applicants again respectfully note that the action identifies Howe as U.S. 6,615,381, but that as noted before, it is assumed from the substance of the Action that this was intended to be a reference to 6,876,855.) Claim 6 is rejected under 35 U.S.C. §103 as being unpatentable over Howe in view of Gallant et al. (USP 5,802,468) (hereinafter “Gallant”).

The §112 Rejections

Claims 16-20 stand rejected on the grounds that they recite a “computer-readable medium,” and that one of skill in the art would not be enabled to practice this aspect of the invention. In particular, the Examiner has noted that the term “computer-readable media” might encompass non-statutory subject matter since its extent is not clear. Thus, claims 16-20 are cancelled herein.

The Independent Claims

Each independent claim contains an express recitation that is absent in Howe: assigning the local dialing number to the mobile device. Howe assigns a local number to a data unit, not to the Howe mobile terminal (which is being compared to the recited mobile communication device). The fact that Howe’s data unit is “connected to” the mobile unit does not make the data unit mobile (it is not) and does not turn the data unit into the mobile device (they are consistently illustrated as being different devices, whether in communication with one another or not).

The Howe data unit and the Howe mobile terminal are two separate and distinct devices that perform distinct functions. For example, the data unit is stationary, while the mobile unit is mobile. The data unit is a link, while the mobile unit is an end-node. The differences go on. Suffice it to say, many things can be done to the data unit without necessarily doing those things

to the mobile unit. And as one example of this, the data unit is assigned a local number, but nowhere in Howe is there any mention of assigning such a number to the mobile unit.

This is a distinction with a difference. The purpose of Howe, as reflected in the abstract, is to ensure that wherever the mobile unit is when it is called, the public switched telephone network is only used once (to make a local call), minimizing the fee for use of the public switched telephone network. Thus, Howe's definition of "local" changes depending on where the mobile unit is at a given moment; this is why Howe assigns a *temporary* number. The temporary number is assigned to the data switch of interest at a given moment, not the mobile unit. Though not stated in Howe, perhaps this is because repeatedly reprogramming a mobile unit with different numbers as it traverses various cells would be prohibitive.

In contrast, the goal of the present invention is to ensure that calls made within a mobile unit's home area are billed as local calls. Thus, the assigned local number is not temporary, and as such, it can be assigned to the mobile unit, rather than to a transient intermediary like a switch. When the mobile unit in the present application is called from another area code, the number is not changed and so the call is not local. And that's fine, because as noted above, the goal and effect of the present invention is not the same as the goal and effect of Howe.

Because the pending independent claims contain express limitations that are absent from Howe (e.g., assigning the local dialing number to the mobile device), the rejections of these claims under §102 in view of Howe are not apt, and favorable reconsideration is respectfully requested.

Moreover, since each of claims 2-10 and 12-15 depends from one of the foregoing independent claims, it is respectfully submitted that these dependent claims are also patentable over Howe, asserted alone or in combination, for the reasons discussed above.

Conclusion

It is respectfully submitted that all claims require assigning a local dialing number to a mobile device. Howe teaches assigning a local number to a device other than the mobile device.

The number of Howe's *mobile* device is never changed during this process, and a local number is *never* assigned to Howe's mobile unit itself. Thus, it is respectfully submitted that the claims are patentable, and favorable reconsideration is earnestly requested. If an interview might be helpful, the Examiner is invited to call the undersigned at your convenience.

Respectfully submitted,



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